

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DARIAN TENSLEY

Petitioner

v.

J. THOMAS

Respondent

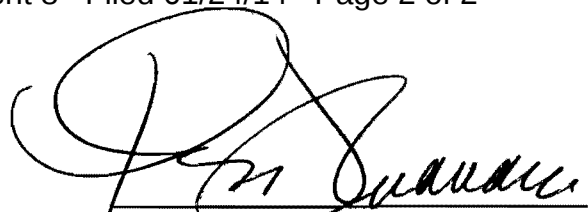
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(JUDGE MARIANI)

ORDER

AND NOW, THIS 24th DAY OF JANUARY 2014, upon *de novo* review of Magistrate Judge Schwab's Report & Recommendation (Doc. 4), and upon consideration of Petitioner's Letters (Docs. 5, 7) which the Court will construe as Objections, and his Petition for Writ of Habeas Corpus (Doc. 1), **IT IS HEREBY ORDERED THAT:**

1. Petitioner's Objections (Docs. 5, 7) are **OVERRULED**.
2. The Report & Recommendation (Doc. 4) is **ADOPTED**.
3. Tensley's Petition for Writ of Habeas Corpus (Doc. 1) is **DISMISSED WITHOUT PREJUDICE** to Tensley bringing a *Bivens* action. Because Petitioner raises potential civil rights claims, including multiple allegations of Eighth Amendment excessive force, he may bring a *Bivens* action by filing the appropriate forms with this Court.
4. A Certificate of Appealability will **NOT** issue.
5. The Clerk of Court is directed to **CLOSE** the case.

A handwritten signature in black ink, appearing to read "R. Mariani", written over a horizontal line.

Robert D. Mariani
United States District Judge